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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,456	03/31/2004	Qi Lu	017887-010510US	8402
20350	7590	04/28/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			VEILLARD, JACQUES	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,456

Applicant(s)

LU, QI

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the applicant's communication filed on 1/24/ 2005.
2. Claims 1-12 are pending and presented for examination.
3. Claims 1, 4, and 10 are the independent claims. Other claims are the dependent.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the guest query" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 4, the phrase "such that" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 5-9, they are rejected on similar basis in virtue on dependency to the base claim 4.

Response to Arguments

6. Applicant's arguments filed on 1/24/2005 have been fully considered but they are not persuasive for the reasons set forth below.

Examiner has completed a through study of the applicant's arguments. These arguments have been fully considered but they are not persuasive.

Applicant argued that the cited prior art (Jones, U.S. Pat. No. 6,256,623) and Meadway et al. (U. S. Pat. No. 6,675,205) do not disclose the claimed limitations of “obtaining the host content; formulating a search query based on the host content; applying the search query to a search engine to search guest content” as recited in claim 1.

In response to the Applicant’s argument, the examiner respectfully disagrees with the Applicant assertion, because Applicant’s arguments are not found persuasive. Claim 1 is taken as an example for illustration purpose. Jones teaches, a network search access construct for accessing web-based search services by providing a search clips for information on networks and more specifically to a computerized system for and method of accessing information from web-based search services (See Jones Title, Abstract and col.1, lines 19-22). Jones does not teach the system for receiving a request for specific host content; obtaining the host content; formulating a search query based on the host content; applying the search query to a search engine to search guest content; and including at least a reference to at least some of the search query results with the host content returned in response to the request. However, Meadway et al., on the other hand, teaches a service on a computer network for performing centralized searches based on index information (See Meadway et al. Abstract) includes the features of: receiving a request for specific host content (See Meadway col.1, lines 33-37 and col.2, lines 38-44); obtaining the host content (See Meadway et la. col.1, lines 54-59); formulating a search query based on the host content (See Meadway et la. col.3, lines 35-40 and col.6, lines 16-28); applying the search query to a search engine to search guest content (See Meadway et al. col.7, lines 38-67; and including

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at least a reference to at least some of the search query results with the host content returned in response to the request (See Meadway et al. col.8, lines 1-27).

In additional support for the rejection the combination of Jones and Meadway et al., does discloses the claimed invention as broadly claimed by the Applicant in claim 1. Jones discloses a network search access wherein the content of a host is obtaining by receiving the search services (See Jones Fig.4 in conjunction with component 330, and col.8, lines 6-17) which implied that search services have been received therefore, a host content is obtaining. Furthermore, since results of the search are returned and display to the user a search query has been formulating (See Jones col.3, lines 62-67) and (Meadway et al. col.1, lines 36-39) which also shows that a search query has been formulating and applying to a search engine.

Applicant argued that there is no reason to combine Jones and Meadway et al. In response to applicant's argument, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya, 184 USPQ 607 (CCPA 1975)*. However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin, 170 USPQ 209 (CCPA 1971)*. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek, 163 USPQ 545 (CCPA 1969)*. In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made combine Jones' teachings by Meadway et al. because they are from same field of endeavor "search engine

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database” both try to solve search query in order to give more accurately results as references can be fairly combine as presented above.

Applicant further argued that the cited prior art Agrawal et al. (U. S. Pat. No. 6,233,575) in conjunction with the combination of Jones and Meadway et al. does not teach the claimed limitations of “associating at least some of the host content with nodes of a host content taxonomy, wherein the host content taxonomy is a hierarchy of topics; distilling the host content to derive host content summary data for the host content; storing the host content summary data in an indexable structure; and storing guest content in an indexable structure”.

In response to the Applicant’s argument, the examiner respectfully disagrees with the Applicant assertion, because Agrawal et al. disclose a multilevel taxonomy for organizing a large text database into hierarchy of topics and for maintaining this organization as document as shown in these passage(See Agrawal et al. Title, and Abstract, Fig.2, col.8, lines 24-53, col.2, lines 6-26, col.9, line 51 through col.10, line 19, col.11, lines 3-15, lines 55-57, lines 60-62, col.12, lines 5-10, col.14, lines 50-61, and col.20, lines 19-30).

Therefore, the examiner asserts that the cited prior arts Jones, Meadway et al. and Agrawal et al. in combination teach or suggest the subject matter broadly recited in claims 1-12 as required under 35 U.S.C. 103 (a).

For illustration purposes (See the rejection below)

Claim Rejections - 35 USC § 103

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

(U. S. Pat. No. 6,256,623) in view of Meadway et al. (U. S. Pat. No. 6,675,205).

As per claim 1, Jones teaches, “a network search access construct for accessing web-based search services” by providing a search clips for information on networks and more specifically to a computerized system for and method of accessing information from web-based search services (See Jones Title, Abstract and col.1, lines 19-22). Jones does not teach the system for receiving a request for specific host content; obtaining the host content; formulating a search query based on the host content; applying the search query to a search engine to search guest content; and including at least a reference to at least some of the search query results with the host content returned in response to the request.

However, Meadway et al., on the other hand, teaches a service on a computer network for performing centralized searches based on index information (See Meadway et al. Abstract) includes the features of: receiving a request for specific host content (See Meadway col.1, lines 33-37 and col.2, lines 38-44); obtaining the host content (See Meadway et la. col.1, lines 54-59); formulating a search query based on the host content (See Meadway et la. col.3, lines 35-40 and col.6, lines 16-28); applying the search query to a search engine to search guest content (See Meadway et al. col.7, lines 38-67; and including at least a reference to at least some of the search

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query results with the host content returned in response to the request (See Meadway et al. col.8, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Jones by incorporating the peer-to-peer automated system taught by Meadway et al.. The motivation being to have enhanced the system of Jones by allowing it to receive a request for a specific host more efficiently; thus providing an intuitive, easy-to-use, icon-based interface that enables user to search for information and retrieve files quickly and efficiently (See Meadway Abstract).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, the combination of Jones and Meadway, as modified, teaches the claimed limitations "wherein a host content summary is used as the search query" (See Jones col.4, lines 1-38).

As per claim 3, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, the combination of Jones and Meadway, as modified, teaches the claimed limitations "wherein the host content is requested from a user system via an HTTP request including a URL referencing the host content, wherein the search query is a string of one or more keywords to which the host content relates, and wherein the guest query comprises one or more of advertisements, potentially related content references and context-specific page features"(See Meadway et al. col.16, lines 1-62).

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9. Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones. (U. S. Pat. No. 6,256,623) and Meadway et al. (U. S. Pat. No. 6,675,205) in view of Agrawal et al. (U. S. Pat. No. 6,233,575).

As per claim 4, Meadway et al. teaches a peer-to-peer automated service system on a computer network of generating content for an electronic content access system wherein requests for host content are received and responses to such requests include at least references to the host content requested and at least references to guest content related to the host content requested (See Meadway et al. Abstract, col.1, lines 33-37 and col.2, lines 38-44). Similarly, the system taught by Meadway et al. comprising: obtaining host content from sources external to the electronic content access system; importing the obtained host content to a host content database (See Meadway et al. col.1, lines 54-59). Meadway et al. did not specifically teach associating at least some of the host content with terms in a host content dictionary; such that a query using host content summary data for requested host content can be applied as a search against the guest content to retrieve guest content related to the requested host content without requiring that each host content object have a preassociated link with guest content to be provided in response to the request for host content.

However, Jones teaches a network search access construct for accessing web-based search services including the features of associating at least some of the host content with terms in a host content dictionary (See Jones Figs. 3 and 4, "Jones achieved this claimed limitations by identifying words or phrases that are understood and specific to the area shown in figs. 3 and 4"); such that a query using host content summary data for requested host content can be applied as a search against the guest content to retrieve guest content related to the requested host content

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without requiring that each host content object have a preassociated link with guest content to be provided in response to the request for host content (See Jones col.4, lines 8-38, and col.7, line 27 through col.8, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Meadway et al. with the network search teachings taught by Jones because Jones provides a template which allows services to quickly define search clips such that they have uniform characteristics.

It is noted, however, the combination of Meadway et al. and Jones did not specifically teach associating at least some of the host content with nodes of a host content taxonomy, wherein the host content taxonomy is a hierarchy of topics; distilling the host content to derive host content summary data for the host content; storing the host content summary data in an indexable structure; and storing guest content in an indexable structure. On the other hand, Agrawal et al. achieved this claimed limitations by providing multilevel taxonomy for organizing a large text database into hierarchy of topics and for maintaining this organization as document (See Agrawal et al. Title, and Abstract, Fig.2, col.2, lines 6-26, col.9, line 51 through col.10, line 19, col.11, lines 3-15, lines 55-57, lines 60-62, col.12, lines 5-10, col.14, lines 50-61, and col.20, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the combination teachings of Jones and Meadway et al by incorporating the taxonomy mechanism taught by Agrawal et al.. The motivation being to have enhanced the systems of Jones and Meadway et al. by allowing them to classify, organize and reorganize of a database of information more efficiently; providing an intuitive, easy-to-use,

icon-based interface to present the user with a series of refined views of document collections in response to queries (See Agrawal et al. col.4, lines 29-42).

As per claim 10, the claim has substantially the same limitations as claim 4. These limitations have already been discussed in the rejection of claim 4. Therefore, it is rejected on similar grounds corresponding to the arguments given for the rejected claim 4 above.

As per claims 5 and 6, most of the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, the combination of Jones, Meadway et al. and Agrawal et al., as modified, teaches the claimed limitations "wherein the terms in the host content dictionary comprise one or more words and wherein at least some of the terms in the host content dictionary comprise more than one word, with the more than one word having an order among the words" (See Jones Figs 3, 4 and 5, col.4, lines 27-38, and col.8, lines 19-62).

As per claim 7, most of the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, the combination of Jones, Meadway et al. and Agrawal et al., as modified, teaches the claimed limitations "wherein some host content is associated with more than one node of the host content taxonomy" (See Agrawal et al. Fig.2, and col.10, lines 59 through col.11, line 2).

As per claim 8, most of the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, the combination of Jones, Meadway et al. and Agrawal et al., as modified, teaches the claimed limitations "wherein distilling uses the contents of the host content dictionary and host content taxonomy"(See Agrawal et al. col.11, lines 3-15, and col.12, lines 5-10).

As per claims 9 and 12, the combination of Jones, Meadway et al. and Agrawal et al., as modified, teaches the claimed limitations "wherein the host content summary data is usable as the search query to be applied against the guest content"(See Jones col.4, lines 1-38).

As per claim 11, most of the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. In addition, the combination of Jones, Meadway et al. and Agrawal et al., as modified, teaches the claimed limitations "wherein the reference to the host content is a URI and the request is an HTTP page request"(See Meadway et al. col.16, lines 1-62).

Contact Information


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272- 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHARLES RONES
PRIMARY EXAMINER


Jacques Veillard
Patent Examiner TC 2100

April 18, 2005